

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)
)
)
vs.)
) Mag. No. 1-11-MJ-44
ROGER WARD)

MEMORANDUM AND ORDER

In accordance with Rules 5 and 5.1 of the Federal Rules of Criminal Procedure and in accordance with the Bail Reform Act, 18 United States Code § 3142(f), the preliminary hearing and detention hearing were held in this action on March 2, 2011. Those present included:

- (1) AUSA Chris Poole for the United States of America.
- (2) The defendant, ROGER WARD.
- (3) Attorney Robert Philyaw for defendant.
- (4) DEA Task Force Officer Gary Blevins.
- (5) Deputy Clerk Kelli Jones.
- (6) Court Reporter Elizabeth Coffey.

Upon being sworn the defendant was informed or reminded of his privilege against self-incrimination accorded him under the 5th Amendment to the United States Constitution.

The defendant acknowledged he had received a copy of the Criminal Complaint. It was determined he was capable of being able to read and understand these proceedings.

AUSA Poole moved the court the defendant be detained without bail.

Detention Hearing and Preliminary Hearing - Proof

AUSA Poole called DEA Task Force Officer Gary Blevins as a witness. He testified to the facts outlined in the affidavit attached to the criminal complaint.

Findings

Having heard and considered the testimony of the Officer Blevins during the detention hearing and preliminary hearing and the Affidavit/Complaint, the undersigned finds:

- (1) There is probable cause to believe that there have been violations of 21 U.S.C. §§ 846, 841(a)(1), (b)(1)(A) and (b)(1)(C),

conspiracy to distribute two hundred and eighty grams or more of a mixture and substance containing a detectable amount of cocaine base ("crack") and possession with the intent to distribute a mixture and substance containing a detectable amount of cocaine base ("crack"), committed in the Eastern District of Tennessee.

(2) There is probable cause to believe the defendant committed the aforesaid offenses.

(3) The proof the defendant committed the aforesaid offenses is strong.

(4) There are no conditions nor are there any combination of conditions which will reasonably assure the safety of the community.

Conclusions

It is ORDERED:

(1) The defendant is held to answer the charges against him in the District Court.

(2) AUSA Poole's motion to detain the defendant without bail is GRANTED for reasons set out in the separate ORDER OF DETENTION PENDING TRIAL filed with this order.

(3) The defendant's next appearance shall be for an arraignment on **Wednesday, March 23, 2011, at 2:00 pm.**

ENTER.

s/William B. Mitchell Carter
UNITED STATES MAGISTRATE JUDGE